

between the State and the tribe. I understand that the Attorney General of Colorado, Ken Salazar, has been a key negotiator in negotiating this agreement. Without his work, it would not have happened. The State of Colorado, the tribe, and the Attorney General's Office are to be commended for this effort. I urge my colleagues to support Senate 551.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. PETRI). The question is on the motion offered by the gentleman from Florida (Mr. BILIRAKIS) that the House suspend the rules and pass the Senate bill, S. 551.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate bill was passed.

A motion to reconsider was laid on the table.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 18 minutes p.m.), the House stood in recess subject to the call of the Chair.

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### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at 4 o'clock and 17 minutes p.m.

### CLARIFICATION OF TREATMENT OF SUPPLEMENTAL APPROPRIATIONS IN CALCULATING RATE FOR OPERATIONS FOR CONTINUING APPROPRIATIONS

Mr. YOUNG of Florida. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5202) to clarify the treatment of supplemental appropriations in calculating the rate for operations applicable for continuing appropriations for fiscal year 2005.

The Clerk read as follows:

H.R. 5202

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. CLARIFICATION OF TREATMENT OF SUPPLEMENTAL APPROPRIATIONS IN CALCULATING RATE FOR OPERATIONS.

For purposes of the application of section 103 of Public Law 108-309, supplemental appropriations shall be included in the calculation of the rate for operations only in accordance with the attachments to Office of Management and Budget Bulletin No. 04-05 entitled "Apportionment of the Continuing Resolution(s) for Fiscal Year 2005".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from

Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 20 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

### GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 5202.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, the legislation before the House, H.R. 5202, is to assist the Members of the House in understanding scoring relevant to the continuing resolution that we passed last week.

As my colleagues know, the current CR expires on November 20, 2004. As I explained last week, the CR continues all ongoing activities at current rates, including supplemental funding, under the same terms and conditions as fiscal year 2004. As in past CRs, it does not allow new starts, and it restricts obligations on high initial spend-out programs. So the annualized funding levels in this bill will not impinge on our final budget deliberations.

As a courtesy to those in this body who do not understand how OMB determines the rate of operations, I have been asked to put this bill on the floor today to clarify that the term "rate for operations" for 2004 supplementals will be apportioned pursuant to OMB Bulletin Number 04-05.

So, in reality, this bill does not change anything. However, some believe it is needed to clarify for CBO the amount of money the executive branch intends to spend during the period of the CR.

The deficit will not change by one dime as a result of this bill. How much money the government spends will not change by one dime as a result of this bill.

CBO's and the Committee on the Budget's job under the Budget Act is to provide an estimate of bills that are being considered and then are enacted into law. Let me emphasize the word estimate, which is based on a set of assumptions made at the time. Those estimates are sometimes good, and sometimes, they are off. An example where they were off was the Medicare bill.

But thankfully, these estimates do not become the actual balance in our checkbook. That is a real number, based on the checks actually issued by the U.S. Treasury. That is the real number that drives the surplus or deficit.

CBO scoring is only relevant to keep a scorecard on how Congress is doing relative to the budget assumptions. As we all know, during the year, we often wait for a revision by CBO of its scoring to determine the level of a deficit.

This revision comes when CBO marries its numbers with the reality that is driven by actual spending.

So we are doing this bill today because some feel that we need to set the record straight. I believe the record is already straight and the OMB apportionment process will dictate the actual level of spending of the CR. By the way, under OMB's apportionment process, the CR will actually save \$5 billion from the level that was allocated for fiscal year 2005 discretionary spending in the budget.

This savings is going to happen with or without this bill, but I urge that we pass the bill.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, September 30, 2004.

Bulletin No. 04-05

To the Heads of Executive Departments and Establishments.

Subject: Apportionment of the Continuing Resolution(s) for Fiscal Year 2005.

1. Purpose and Background. H.J. Res. 107 (continuing resolution) will provide continuing appropriations for the period October 1 through November 20, 2004. I am providing an automatic apportionment for amounts provided by this continuing resolution (CR) as specified in section 2. This Bulletin supplements instructions for apportionment of CRs in OMB Circular No. A-11, section 123, and applies to this CR and any extensions of this CR.

2. Automatic Apportionments. Calculate the amount automatically apportioned through the period ending November 20th (and any extensions of that period) by multiplying the rate (amount) provided by the CR by the lower of: the percentage of the year covered by the CR (e.g., for H.J. Res. 107 use 13.97 percent), or the historical seasonal rate of obligations for the period of the year covered by the CR.

See Attachments A and B to this Bulletin for more detailed instructions on calculating the amount provided by the CR and the amount automatically apportioned. Sec. 111 of the CR requires that the resolution be implemented so that only the most limited funding action permitted in the CR is taken. The Administration has interpreted this section to mandate that agencies in general spend at a minimum level, so as not to infringe upon the prerogative of Congress to set full-year funding levels. Funding apportioned under the CR excludes one-time, non-recurring projects and activities that were funded in FY 2004, which includes most projects and activities funded by FY 2004 supplemental appropriations. The only FY 2004 supplemental projects and activities that may be factored into the "not to exceed current rate" can be found in Attachment B.

Under an automatic apportionment, all of the footnotes and conditions placed on the prior year apportionment remain in effect.

H.J. Res. 107 expires at midnight on Saturday, November 20, 2004.

3. Written Apportionments. If a program requires an amount different from the total amount automatically apportioned, you must request a written apportionment from OMB. Once a written apportionment is approved, the terms and conditions of the automatic apportionment bulletin cease to apply.

JOSHUA B. BOLTEN,

Director.

Attachments.

ATTACHMENT A—CALCULATING THE AMOUNT MADE AVAILABLE BY THE CR AND THE AUTOMATIC APPORTIONMENT

Calculate the amount automatically apportioned (whole dollars) through the period